Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Implementing Kari's Law and Section 506 of RAY BAUM'S Act	)	PS Docket No. 18-261
Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems	)	PS Docket No. 17-239

COMMENTS OF AT&T

Christi Shewman
Gary L. Phillips
David L. Lawson
AT&T SERVICES, INC.
1120 20th Street, NW, Suite 1000
Washington, DC 20036

Scott D. Delacourt
Katy M. Ross
WILEY REIN LLP
1776 K Street, NW
Washington, DC 20006

Counsel for AT&T

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AT&T Services, Inc., on behalf of itself and its affiliates (collectively, "AT&T"), submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") *Notice of Proposed Rulemaking*[1] regarding proposals to implement the Kari's Law Act of 2017 ("Kari's Law")[2] and Section 506 of RAY BAUM'S Act ("RAY BAUM'S Act").[3]

I. INTRODUCTION AND SUMMARY

AT&T shares the Commission's goal of ensuring that members of the public can successfully dial 911 to call for help and that emergency services can quickly and accurately locate every 911 caller, including those calling from multi-line telephone systems ("MLTS"). AT&T has broad insight into MLTS issues because AT&T occupies many roles in the MLTS

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1 Implementing Kari's Law and Section 506 of RAY BAUM'S Act, Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems, *Notice of Proposed Rulemaking*, PS Docket Nos. 18-261, 17-239, FCC 18-132 (rel. Sept. 26, 2018) ("*NPRM*").

2 Kari's Law Act of 2017, Pub. L. No. 115-127, 132 Stat. 326 (2018) (codified at 47 U.S.C. § 623).

3 Section 506 of the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, Pub. L. No. 115-141, 132 Stat. 348, 1095 (codified at 47 U.S.C. § 615 note).

marketplace. AT&T is a provider of multiple circuit-switched and Voice over Internet Protocol ("VoIP") (both interconnected and non-interconnected) services, an equipment reseller, and is a large MLTS customer. As an MLTS service provider, AT&T serves customers in all 50 states.

To successfully implement Kari's Law and RAY BAUM'S Act, the Commission should craft clear and achievable rules designed to further the goals of the laws. For the proposed dispatchable location requirements in particular, the Commission should recognize that the best source of location information is the MLTS customer—and any new rules should ensure that MLTS customers managing their own MLTS systems have responsibility for maintaining the accuracy of location information. Finally, the Commission should view Text-to-911 location issues holistically, recognizing that the technology is undergoing a shift to Real Time Text.

AT&T applauds the Commission's efforts to ensure that useful, actionable information is transmitted to the Public Safety Answering Point ("PSAP") when a person calls 911, from any location. Working with other interested stakeholders, AT&T is committed to advancing the Commission's goals.

II. THE COMMISSION SHOULD ADOPT CLEAR, REASONABLE RULES TO IMPLEMENT KARI'S LAW AND RAY BAUM'S ACT.

Where practicable, the Commission should strive to achieve consistency between implementation of Kari's Law and RAY BAUM'S Act. The rules implementing the two laws should have contemporaneous effective dates, take a consistent approach to grandfathering existing MLTS equipment, clarify that the requirements under both laws do not apply to small enterprises, achieve regulatory parity among different MLTS technologies, and clearly delineate the responsibilities of all stakeholders in the MLTS ecosystem. This approach will make it easier for entities to understand, implement, and continue to comply with the new rules.

Effective Date. Kari's Law applies to MLTS "manufactured, imported, offered for first sale or lease, first sold or leased, or installed after" February 16, 2020.[4] The Commission proposes a contemporaneous effective date for the RAY BAUM'S Act dispatchable location requirement for MLTS 911 calls.[5] The Commission should adopt this proposal. AT&T can support direct dialing to 911, central notification requirements, and dispatchable location requirements on new MLTS deployments after February 16, 2020.

Grandfathering Equipment. As the Commission notes, "MLTS manufactured, imported, offered for first sale or lease, first sold or leased, or installed on or before that date are grandfathered from compliance" with Kari's Law.[6] The Commission should likewise grandfather pre-February 16, 2020 equipment from the RAY BAUM'S Act dispatchable location requirements. A consistent, bright line rule will help MLTS providers ensure compliance.

As these legacy MLTS systems are upgraded, some may be able to support the Kari's Law and dispatchable location requirements. However, upgrades unrelated to core MLTS functions should not trigger the obligation to comply with the new requirements. This approach to upgrades is consistent with Commission precedent. In the disability access context, the Commission classified "substantial upgrades" as those changing the nature of the product or service, on the rationale that such upgrades would give the provider a natural opportunity to consider implementing the new requirements.[7] The same logic should apply in this context.

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4 47 U.S.C. § 623 note.

5 *NPRM* ¶ 2.

6 *Id.* ¶ 40.

7 Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1966; Accessible

Further, given the expeditious implementation date and the proposed grandfathering of older systems, the Commission need not impose a requirement to audit existing MLTS systems in use for compliance. AT&T and other MLTS providers have widespread and numerous existing MLTS deployments, making audits unduly burdensome and destroying the economics on which the sale, operation and maintenance of MLTS systems are based.

Small Business Exemption. The Commission seeks comment on how Kari's Law notification requirements should be applied to small enterprises, and this question should also be considered in the context of the dispatchable location requirements.[8] In the U.S., 99.9% of all businesses are small businesses[9] and nearly 80% of small businesses have fewer than ten employees.[10] In these cases, the obligations to provide central notification of emergency calls and station-level dispatchable location are unwieldy and of limited value to first responders. Central notification would serve little purpose in an office where all employees sit in a single small room. Likewise, in that scenario, dispatchable location beyond a street address would not help first responders identify where help is needed—the extraneous information could even

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Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision, *Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 14557, ¶¶ 122–23 (2011).

8 *NPRM* ¶ 27.

9 U.S. Small Business Administration, Office of Advocacy, 2018 Small Business Profile, 1, 4, *available at* https://www.sba.gov/sites/default/files/advocacy/2018-Small-Business-Profiles-US.pdf (last visited Dec. 7, 2018).

10 *See* U.S. Small Business Administration, Firm Size Data, *available at* https://www.sba.gov/advocacy/firm-size-data (last visited Nov. 20, 2018) (presenting U.S. static firm size data from 2014 indicating that out of 5,825,458 employers, 3,598,185 have zero to four employees and 998,953 have five to nine employees, which together represent 78.9% of employers).

create confusion. Accordingly, the Commission should exempt small businesses from its MLTS rules.

Many states have adopted cutoffs for small businesses in their MLTS 911 requirements.[11] Some limit applicability of the laws based on the location square footage[12] and some use number of telephone stations.[13] The Commission should follow the approach of Maine and Illinois, which require a single dispatchable location—*i.e.*, a street address—for individual buildings with a workspace of less than 40,000 square feet.[14] As the Commission notes, "we expect that street address would serve as a dispatchable location for the smallest enterprises."[15] Specifically, the Commission should establish that businesses under 40,000 square feet need only provide a street address as the dispatchable location and that such businesses are exempted from the central notification rules. The customer should also have responsibility for certifying the size of the business to their MLTS provider. Adopting this exemption will provide regulatory certainty while still serving the Commission's important public safety goals.

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11 *See* Code Me. R. tit. 65-625 Ch. 11 §§ 4, 6, 13 (Maine); 560 Mass. Code Regs. 4.04(2) (Massachusetts); 83 Ill. Adm. Code 1326.105, 1326.205(a)(2)(B) (Illinois); Minn. Stat. Ann. §§ 403.02, 403.15 (Minnesota); Wash Rev. Code Ann. § 80.36.560 (Washington); Mich. Admin Code R 484.902(1)(g), 484.903 (Michigan); 35 Pa. Stat. and Cons. Stat. Ann. § 5311.16 (Pennsylvania); Va. Code Ann. § 56-484.19 (Virginia).

12 *See e.g.* Code Me. R. tit. 65-625 Ch. 11 §§ 4, 6, 13 (40,000 square feet); Wash Rev. Code Ann. § 80.36.560 (25,000 square feet).

13 *See e.g.* 560 Mass. Code Regs. 4.04(2) (49 telephone stations). In addition, some states exempt key telephone systems while others exempt buildings with a single public entrance. *See* 35 Pa. Stat. and Cons. Stat. Ann. § 5311.16; Minn. Stat. Ann. §§ 403.02, 403.15.

14 *See* Code Me. R. tit. 65-625 Ch. 11 §§ 4, 6, 13; 83 Ill. Adm. Code 1326.105, 1326.205(a)(2)(B). The Commission should also take the opportunity in this proceeding to clarify how any new federal MLTS requirements will operate vis-à-vis additional, and sometimes conflicting, state MLTS requirements.

15 *NPRM* ¶ 58.

Regulatory Parity. The Commission proposes to interpret MLTS to include "the full range of networked communications systems that serve enterprises" including over-the-top applications.[16] As technologies continue to develop, there may be more options than ever for consumers to employ different types of systems to meet their MLTS needs. Going forward, the Commission should ensure that the MLTS rules maintain regulatory parity between new implementations of business VoIP services and traditional MLTS business solutions where such capabilities are technically feasible. For example, one-way VoIP solutions should be required to support 911, as end users will expect their calling solutions to have this functionality—and may rely on it in an emergency. Evenhanded treatment of all technologies will encourage the development of additional solutions for consumers while making sure their 911 needs are met.

Allocation of Responsibility for Compliance. Any new MLTS rules should clearly delineate the roles and responsibilities of the various players in the MLTS ecosystem. Any single stakeholder may play multiple roles in the MLTS ecosystem depending on how an MLTS system is configured. For example, when AT&T offers a hosted MLTS solution to a business, AT&T should be responsible for compliance with the requirements applicable to those engaged in the installing, managing, or operating MLTS. However, where AT&T offers a Session Initiation Protocol ("SIP") trunking solution to provide Public Switched Telephone Network ("PSTN") access for call delivery and the customer operates and manages the PBX, the customer should have responsibility for compliance. In both cases, the manufacturer should bear responsibility for ensuring its products are compliant. The Commission's MLTS rules should appropriately identify the entity responsible for compliance with each requirement.

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16 *NPRM* ¶ 29.

III. AT&T SUPPORTS THE COMMISSION'S RULES IMPLEMENTING KARI'S LAW WITH CERTAIN MODIFICATIONS.

Kari's Law has two central prongs: a requirement that MLTS users be able to directly dial 911 without dialing a prefix or code and a requirement that MLTS systems support notification to a central location when an MLTS user makes a 911 call. With certain clarifications, the Commission's proposed rules regarding Kari's Law can be readily implemented.

First, the Commission seeks comment on whether to adopt transitional rules to inform consumers of the 911 capabilities of grandfathered MLTS, such as placing a sticker on grandfathered devices.[17] The Commission should not require warning labels for grandfathered MLTS. Many of these systems have been in place for years and requiring warning labels on each of them would be incredibly disruptive to customers. Stickers have not been shown to be effective—indeed, Commissioner O'Reilly described the Commission's previous VoIP sticker mandate as "insanity."[18] Commissioner O'Reilly also correctly noted that Kari's Law does not mandate sticker usage—or any other requirements—on systems manufactured, imported, sold or installed before February 16, 2020.[19] Given the lack of such a mandate and the disruptiveness of requiring warning labels, the Commission should decline to impose a labeling requirement.

Second, the Commission should clarify that the MLTS installer, manager, or operator need only offer the central notification capability to the customer to be in compliance with the law. Customers may not wish to have central notification if, for example, they have a small facility or they do not have staff to support monitoring notifications at all hours. The MLTS

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17 *NPRM* ¶ 41.

18 *NPRM* at p. 102.

19 *Id.*

provider should not be responsible for compelling the customer to utilize a capability that the customer has judged unnecessary. Provided that MLTS installers, managers, and operators offer the central notification service, they should be considered in compliance with the rules implementing Kari's Law.

IV. CUSTOMER ENGAGEMENT WILL BE NECESSARY TO IMPLEMENT THE DISPATCHABLE LOCATION REQUIREMENTS.

While AT&T stands ready to implement the proposed dispatchable location requirements in its role as an MLTS provider, it will be incumbent on MLTS customers to assist with this effort. Customers are in the best position to confirm whether their specific address information is "dispatchable," meaning able to "adequately identify the location of the calling party."[20] Even after system installation, customers may have the ability to unilaterally move telephone stations to different locations, which may require updating the dispatchable location. Accordingly, customers acting as MLTS managers must be responsible for updating any dispatchable location information, if necessary. PSAPs are also valuable partners for identifying 911 issues. As a best practice, customers should be encouraged to place test 911 calls from their systems to their PSAPs to ensure that accurate dispatchable location information is being transmitted. If issues arise, customers should report such issues to their MLTS manager who in turn may need to engage the manufacturer or installer.

Moreover, customer engagement will be critical because determining an end user's location is challenging, given the dynamic and diverse telecommunications options available in today's marketplace. End user solutions may include any or all of: softphones on laptops, desktops, and tablets, dedicated IP phones, traditional Time Division Multiplexing phones,

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[20] *NPRM* ¶ 53; RAY BAUM'S Act Sec. 506(c)(2).

cordless phones, and mobile wireless devices. We are not aware of a solution that can automatically locate *all* of these types of devices within a building to deliver a dispatchable location. Further, the majority of these devices have no internal capabilities to generate a GPS or Wi-Fi location estimate and cannot assist in the generation of a dispatchable location. Today, the most reliable way to locate end users is by having them confirm their dispatchable location when using the device. Accordingly, the Commission should not require the use of automatic location solutions for end user devices.

Even if available, automatic location solutions could raise network security concerns. Some proposed solutions claim they scan the IP network to identify devices.[21] This practice may work for a subset of IP-enabled devices but may also violate cybersecurity protocols by allowing scanning of the Data Link Layer (Layer 2) network, exposing cyber vulnerabilities. And such solutions may require customer disclosure of sensitive data. For example, customers may be unwilling to give vendors information about their internal IP network and subnet arrangements, the disclosure of which could present a cybersecurity risk.

In addition, were automated location solutions required, there would likely be some MLTS systems in use that could not be updated with software or applications to support such functionality. These customers would be forced to fully overhaul or essentially replace their MLTS system to be in compliance. This would be contrary to the Commission's intention to grandfather older equipment from the MLTS rules and would be expensive and burdensome on consumers. In light of these technical and operational challenges, the Commission should not require automated identification of dispatchable location.

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21 *See NPRM* ¶ 60 n.104.

The Commission also seeks comment on whether there are other sources of location information, such as the National Emergency Address Database ("NEAD") that could potentially assist MLTS managers and operators in determining the location of MLTS end users.[22] While NEAD may be useful for providing dispatchable location for some MLTS devices in the future, additional work is still required. The NEAD location database relies on equipment that is capable of sensing Wi-Fi and Bluetooth access points to generate the necessary query of the NEAD, and most of the MLTS end user devices lack the capability to detect Wi-Fi and Bluetooth.

It is also premature to expand the usage of the NEAD location database for 911 services other than for Commercial Mobile Radio Service ("CMRS"). The results of the CMRS performance testing of the NEAD location database are not yet available and, as such, it is hard to determine whether it will be successful even for CMRS services, let alone other services. If NEAD is expanded to additional services, a vastly larger group of users would be able to access the NEAD database, raising the risk of unauthorized access.[23] In addition, it would be incumbent on the MLTS customer to enter their Wi-Fi and Bluetooth access points in the database, and the capability for individuals to enter this data does not yet exist. At this stage, it is also unclear whether public safety will be able to use NEAD location data in conjunction with street address dispatchable location to efficiently locate emergency callers. The best option for reliably locating all types of devices is customer-provided location data, which will require the active participation of the customer through the lifespan of the MLTS system.

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22 *NPRM* ¶ 65.

23 The usage of the NEAD is currently limited to a small number of Wireless Carriers that are certified by the NEAD, LLC.

V. TEXT-TO-911 VIA SMS WAS ENVISIONED AS AN INTERIM SOLUTION AND CANNOT SUPPORT DISPATCHABLE LOCATION.

At this time, the Commission should not require mobile carriers and covered text providers to deliver enhanced location information with texts to 911.[24] AT&T supports the Commission's efforts to improve location information for text-to-911 messages, but new requirements would be premature. The majority of texts to 911 currently take place via SMS, which is "intended to be an interim, best effort service to fill a specific gap of emergency communications until the deployment of NG9-1-1."[25] Implementing dispatchable location capabilities in SMS texting for text-to-911 would not be possible without major changes to the location platform and the Evolved Serving Mobile Location Center (eSMLC) and LTE Positioning Protocol standards. Handset vendors, however, may be able to enhance current text-to-911 capabilities by generating x-, y-, and potentially z-axis location data and delivering this data to PSAPS.

In contrast to the limitations of SMS texting for text-to-911, Real Time Text ("RTT") is capable of supporting delivery of best available location data (and potentially dispatchable location). As RTT includes a voice component, it can access specific caller location data—including mid-call location updates—and deliver it to the PSAP. As an added benefit, RTT is supported by every PSAP. As the Commission contemplates further enhancements to text-to-911 in the future, it should instead focus on the use of RTT.

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[24] *See NPRM* ¶ 71.

[25] CSRIC, Working Group 1, Next Generation 9-1-1, Task 1 Subtask 1, FINAL REPORT—INVESTIGATION INTO LOCATION IMPROVEMENTS FOR INTERIM SMS (TEXT) TO 9-1-1, at 3 (June 2014); *see also* Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, Framework for Next Generation 911 Deployment, *Second Report & Order and Third Further Notice of Proposed Rulemaking*, 29 FCC Rcd 9846, ¶ 17 n.54 (2014) ("While the Commission continues to explore the feasibility of real-time text capabilities for 911, we believe that the adoption of a text–to-911 requirement provides an important interim step.").

VI. CONCLUSION

AT&T supports the Commission in its efforts to improve 911 calling for consumers using MLTS systems. Stakeholders serving every function in the MLTS ecosystem have a role to play in improving emergency calling. With certain modifications and clarifications, the Commission can craft workable and effective rules for MLTS that will contribute to the safety of all system users, improve emergency response, and further the goals of Kari's Law and RAY BAUM'S Act.

Respectfully submitted,

By: */s/*

Christi Shewman
Gary L. Phillips
David L. Lawson

AT&T SERVICES, INC.
1120 20th Street, NW
Suite 1000
Washington, DC 20036
(202) 457-3090 – phone

Attorneys for AT&T

Scott D. Delacourt
Katy M. Ross
WILEY REIN LLP
1776 K Street, NW
Washington, DC 20006
(202) 719-7000 – phone
(202) 719-7049 – facsimile

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